

REMARKS

This paper is intended as a full and complete response to the notice of non-compliant amendment dated July 28, 2005, having a shortened statutory period for response set to expire on August 28, 2005.

Applicant elected Claims 1-18 and 20-37 (Group I) in the Response to the Office Action with a mailing date of May 18, 2005. Applicant hereby elects species as required by the Restriction Requirement under 35 USC 121 from the groups described in the Office Action dated April 21, 2005.

Applicant hereby elects the following species:

Group 1 (digestive enzyme): Applicant elects a bromelain and pepsin.

Group 2 (amino acid): Applicant's embodiments relate to a beverage and additive usable for promoting an anabolic state in a person that utilize a multi-vitamin approach. Applicant believes that a single species cannot be elected from Group 2 since the group is directed to amino acids. If the Examiner requires a species selected from the amino acid group, Applicant elects tryptophan, methionine, and aspartic acid.

Group 3 (sea plant): Applicant elects seaweeds, algae, and grasses.

Group 4 (vitamin): As stated above, Applicant's embodiments relate to a beverage and additive usable for promoting an anabolic state in a person that utilize a multi-vitamin approach. Applicant believes that a single species cannot be elected from Group 4 since the group is directed to vitamins. If the Examiner requires a species selected from the vitamin group, Applicant elects Vitamin B, Vitamin C, and Vitamin E.

Group 5 (fiber): Applicant elects nutritional grains, such as grain or wheat.

Group 6 (protein): Applicant elects whey and soy.

Group 7 (fat): Applicant elects saturated fat.

Group 8 (essential fatty acid): Applicant elects seeds and nuts.

Applicant reserves the right to have additional species considered if should no prior art be found that anticipates or renders obvious the elected species.

Applicant appreciates the Examiner's time and patience on this matter. Applicant invites the Examiner to contact the Applicant's attorney noted below in order to discuss this election if need be. Applicant believes that no new matter has been added. Reconsideration of this Application with the amendments in view of the remarks expressed throughout this Response is respectfully requested.

Respectfully submitted,

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